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Attorneys for Defendant GENENTECH, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,

Plaintiff,

v.

GENENTECH, INC., and CITY OF
 HOPE,

Defendants.

GENENTECH, INC. AND CITY OF
 HOPE,

Counter-Plaintiffs,

v.

CENTOCOR ORTHO BIOTECH, INC.,

Counter-Defendant,

AND

GLOBAL PHARMACEUTICAL
 SUPPLY GROUP, LLC, CENTOCOR
 BIOLOGICS, LLC, AND JOM
 PHARMACEUTICAL SERVICES, INC.,

Third-Party Defendants.

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 CITY OF HOPE

Lodged Proposed
 Order

2010 MAY -5 PM 4:59
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES
 BY _____

FILED

Case No. CV 08-03573 MRP (JEMx)

**APPLICATION TO FILE UNDER SEAL
 DOCUMENTS IN SUPPORT OF
 GENENTECH, INC. AND CITY OF
 HOPE'S OPPOSITION TO
 PLAINTIFF'S *EX PARTE*
 APPLICATION TO COMPEL
 DISCLOSURE OF INAPPROPRIATELY
 WITHHELD INFORMATION**

Date: TBA
 Time: TBA
 Judge: Hon. Mariana R. Pfaelzer
 Ctrm: 12

1 PLEASE TAKE NOTICE that pursuant to Local Rule 79-5.1, Defendant and
2 Counter-Plaintiff Genentech, Inc. seeks leave to file the following documents under seal:

3 1. Defendants Genentech, Inc. and City of Hope's Opposition to Plaintiff's *Ex*
4 *Parte* Application to Compel Disclosure of Inappropriately Withheld Information; and

5 2. Exhibit A to Declaration of Aaron M. Nathan in Support of Defendants
6 Genentech, Inc. and City of Hope's Opposition to Plaintiff's *Ex Parte* Application to
7 Compel Disclosure of Inappropriately Withheld Information ("Nathan Declaration");
8 Genentech's privilege logs from the *MedImmune* litigation as produced herein;

9 3. Exhibit B to Nathan Declaration: City of Hope's privilege log from the
10 *MedImmune* litigation as produced herein;

11 4. Exhibit C to Nathan Declaration: Defendants' supplemental privilege log of
12 August 7, 2009;

13 5. Exhibit D to Nathan Declaration: Defendants' supplemental privilege log of
14 May 4, 2010;

15 6. Exhibit E to Nathan Declaration: Excerpts from the April 9, 2010 deposition
16 transcript of Shmuel Cabilly taken herein, designated "Confidential Pursuant to Protective
17 Order"; and

18 7. Exhibit J to Nathan Declaration: Genentech's response to Centocor's
19 Interrogatory No. 4, excerpted from Genentech's Responses and Objections to Centocor,
20 Inc.'s First Set of Interrogatories, designated "Highly Confidential - Outside Counsel Eyes
21 Only."

22 The documents sought to be filed under seal contain Confidential information
23 pursuant to the protective order. Therefore, Genentech seeks a Court order to seal these
24 documents.

25 For the foregoing reasons, Genentech and City of Hope respectfully request that
26 the Court grant this application and order that (1) Defendants Genentech, Inc. and City of
27 Hope's Opposition to Plaintiff's *Ex Parte* Application to Compel Disclosure of

1 Inappropriately Withheld Information and (2) Exhibits A, B, C, D, E and J to the
2 Declaration of Aaron M. Nathan in Support of Defendants Genentech, Inc. and City of
3 Hope's Opposition to Plaintiff's *Ex Parte* Application to Compel Disclosure of
4 Inappropriately Withheld Information be filed under seal.

5 Genentech and City of Hope are filing, concurrent with this Application, a
6 proposed order sealing the above-referenced documents.
7

8 Dated: May 5, 2010

By: /s/ Daralyn J. Durie

Daralyn J. Durie

Mark Lemley

DURIE TANGRI LLP

217 Leidesdorff Street

San Francisco, CA 94111

Attorneys for Defendant GENENTECH, INC.

CERTIFICATE OF SERVICE

I certify that all counsel of record are being served on May 5, 2010 with a copy of this document via the Court's CM/ECF system.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 5, 2010, at San Francisco, California.

Margaret Ann Franz
Margaret Ann Franz